IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.14366-M of 2005

DATE OF DECISION:11.10.2006

Manoj Kumar @ Lovely .....Petitioner

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Vikram K. Chaudhary, Advocate
for the petitioner.

Shri N.S. Gill, AAG, Punjab.

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The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of an FIR No. 105 dated 20.6.2003 under Sections 22/61/85 of the NDPS Act, registered at Police Station Patti, District Amritsar and all the consequential proceedings arising therefrom including the challan presented by the police and chargesheet dated 23.2.2004 framed by the trial Court.

In Crl. Revn .No. 1834 of 2003, the following stand was taken by the State of Punjab, with regard to the cases registered under the NDPS Act against the chemists:-

> "At the outset counsel for the State submitted that issue whether the petitioners are liable to be prosecuted was reviewed by Committee comprising of Chief Secretary, Advocate General and DGP, Punjab. Representation being made by the Punjab Chemist Association, SSPs have been directed to take care that no false case was registered against any Genuine Chemist/Druggist unless the alleged Act fell under the provisions of the Act. It was also decided to review

all pending cases of the Chemists by the Committee headed by DIG (Crime) with two SPs of the Crime Branch and the State will not proceed against any Chemist, who was selling Drugs on prescription as medicines. Whether or not the Chemist were genuinely selling medicines against prescription will be reviewed."

Counsel for the respondent-State states that in view of the above stand taken by the Punjab State in other cases, case of the petitioner will also be reviewed by the Committee constituted for the purpose headed by the DIG (Crime) with two SPs of Crime Branch within a period of two months and according to the decision taken by the said committee, the case of the petitioner further will be proceeded in accordance with law. After the said decision of the Committee, if the petitioner will have any grouse, it will be open for him to again approach the Court.

In view of the aforesaid stand taken by the State counsel, counsel for the petitioner does not want to press this petition at this stage.

Dismissed as not pressed at this stage.

October 11, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**